IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NW/S * DEPUTY ZONING COMMISSIONER Edmondson Avenue, 25' NE of the c/l of Coleraine Avenue * OF BALTIMORE COUNTY (5602 Edmondson Avenue) 1st Election District * Case No. 90-335-SPHA 1st Councilmanic District James G. Klein, et ux

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject p operty in a D.R. 5.5 zone as a retail store, and variances to permit a side yard setback of 0 feet in lieu of the required 25 feet, and a lot width of 78 feet in lieu of the required 80 feet for the existing improvements, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were William Bafitis, Registered Professional Engineer, Nicholas Commadari, Zoning Consultant, and Paul Richard, George M. Pearte, Gilbert and Lila Jones, Grant and Marilyn Turner, Evalyn Tyson and Wayne Wiggin, Jr., all residents of the area. No Protestants appeared at the hearing.

Testimony indicated that the subject property known as 5602 Edmondson Avenue, consists of 0.37 acres zoned D.R. 5.5 and is located at the corner of Edmondson Avenue and Coleraine Avenue. Said property is improved with a single family dwelling, used as two apartments, with an attached retail store to the front of the property, and a two car garage to the rear of the site with an adjoining parking lot. As a result of a complaint filed with the Zoning Office, Petitioners were advised to file

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF EALTIMORE COUNTY: 90-355-5 PH A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

a non-conforming use for a retail store in a DR 5.5 zone.

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The second secon

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Ealtimore County.

Legal Owner(s):

(Type or Print Name)

JAMES & KLEIN

HENNY KLEIN

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

1509 VERA AVE. 247-4336
Address Phone No.

BALTO. MD. 21227

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna, Esquire

409 Washington Ave., Suite 600 -Towson, MD-21204, 296-6320

Property is to be posted and advertised as prescribed by Zoning Regulations.

the instant Petitions to establish a nonconforming use of the existing improvements.

Mrs. Jones testified that she has resided on North Bond Street, which is approximately two blocks from the subject site, since 1926. She testified that she has the distinct recollection of a retail grocery score existing at the subject location as depicted in Petitioner's Exhibit 1 continuously and without interruption since 1940. Mr. Richard, who resides on Malbrook Road a few blocks from the site, testified that he has resided in the area since 1940. He testified that he distinctly remembers the retail grocery store existing at the subject location and that it has operated continuously and without interruption since that time. In further support of their position, Petitioners introduced a copy of the Westowne Community Association director from February 7, 1942 regarding an introductory party and dance at the Hotel Belvedere. Inside the brochure is an advertisement for "Wm. L. Wells Quality Groceries and Meats" at Coleraine Road and Edmondson Avenue. Petitioners also introduced Petitioner's Exhibit 3 which was a signed Petition from numerous residents of the area indicat ng their support of the continued retail use of the subject property as a grocery store. Numerous other individuals appeared at the hearing to testify as to their support of Patitioners' request and the benefit the continued operation and nonconforming use of the subject property as a grocery store will provide to the residents in the area.

Testimony regarding the requested variances indicated the need is lue to the artificial zoning use line placed on Petitioner's Exhibit 1, as required by the Zoning Office, to distinguish the area used for the nonconforming retail store from the permitted residential uses. Dividing the uses as required has necessitated the variances. While the property in

> PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90.335.5 PHA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.2 to allow a side yard setback of 0 ft. in lieu of the required 25 ft. and to allow a lot width of 78 ft. in lieu of the required 80 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) Existing structures 2) Shape of property

3) Reasons to be presented at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature Klaud
Attorney for Petitioner:	^ ^
S. Eric Dinenna, Esquire	1509 VEYA AVE. 247-433
(Type or Print Name)	Address Phone No.
Mellellen	BALTO. MD. 21227
Signature	City and State
409 Washington Ave., Suite 600	Name, address and phone number of legal owner, con
Address	tract purchaser or representative to be contacted
Towson, MD 21204	S. Eric DiNenna, Esquire
City and State Attorney's Telephone No.: 296-6820	Name 409 Washington Ave., Suite 600 Towson, MD 21204, 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day 19.89, that the subject matter of this petition be advertised,

width in excess of 100 feet exceeds the required 80 feet for a proper conversion to a two-apartment dwelling, the zoning use division line to differentiate between the residential and retail uses results in a residential area width of 78 feet. Testimony presented indicated the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and to deny the relief requested would result in practical difficulty and unreasonable hardship to Petitioners.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The testimony presented and undisputed indicates the retail grocery store as now used was in existence prior to 1945.

Petitioners cont and the spirit and intent of the zoning regulations are

met by the granting of the requested variances.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978). The facts presented indicate there has been no change and/or interruption to the nonconforming use.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used as a retail grocery store continuously and without interruption since prior to the effective

ZONING DESCRIPTION

JAMES G. KLEIN'S PROPERTY

5602 EDMONSON AVENUE

Beginning on the northwest side of Edmonson Avenue, 60 feet wide,

at the northeast corner of Coleraine Avenue and Edmonson Avenue.

Being Lots 155 and 156, in the subdivision of Meridale Farm Plat No. 2. Book WPC No. 6 folio 76, also known as, 5602 Edmonson

Avenue in the 1st Election District.

William N. Bafitis,

MD. Reg. No. 11641

90-335-SPHA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 200 day of March, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property in a D.R. 5.5 zone as a retail grocery store, and the Petition for Zoning Variance to permit a side yard setback of 0 feet in lieu of the required 25 feet, and a lot width of 78 feet in lieu of the required 80 feet for existing structures, in accordance with Petitioner s Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The nonconforming use granted herein for the retail grocery store is limited to the 667 sq.ft. depicted on Petitioner's Exhibit 1.

3) Petitioners shall not use any portion of the residential uses on the right side of the zoning use line, as shown on Petitioner's Exhibit 1, to support the retail grocery store use other than the 868 sq.ft. of basement area presently used for storage purposes.

4) The residential uses on the subject property shall be limited to the two apartments shown on Petitioner's Exhibit 1, comprising 1,736 sq.ft. total.

5) Petitioner shall not allow or cause the accessory structure (two-car garage) to be converted to a second dwelling unit and/or apartments.

6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

- 5-

and M Notamin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21201 (301) 887-3353

J. Robert Haines

NOTICE OF HEARING

January 22, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Special Hearing and Zoning Variance CASE NUMBER: 90-335-SPHA NW/S Edmondson Avenue, 25° NE of c/l of Coleraine Avenue 5602 Edmondson Avenue 1st Election District - 1st Councilmanic Petitioner(s): James E. & Canny Klein HEARING: WEDNESDAY, MARCH 7, 1990 at 11:00 a.m.

Special Hearing: A mon-conforming use for a retail store in a DR 5.5 zone.

Variance: To allow a side yard setback of 0 ft. in lieu of the required 25 ft. and to allow e lot width of 78 ft. in lieu of the required 60 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request acay or the lastwice of each parmic outling this period for good cause shows, but request such that is a such that are such that are such that the second cause shows or pre-

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3361 to

BALTIMORE COUNTY, MARYLAND

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

Attorney for Petitioner: s. Eria Dinenna, Esquire 409 Washington Ave., Suite 600 Towson, Maryland 21204 Attorney's Telephone No.: 296-6820 ORDERED By The Zoning Commissioner of Baltimore County, this _____day

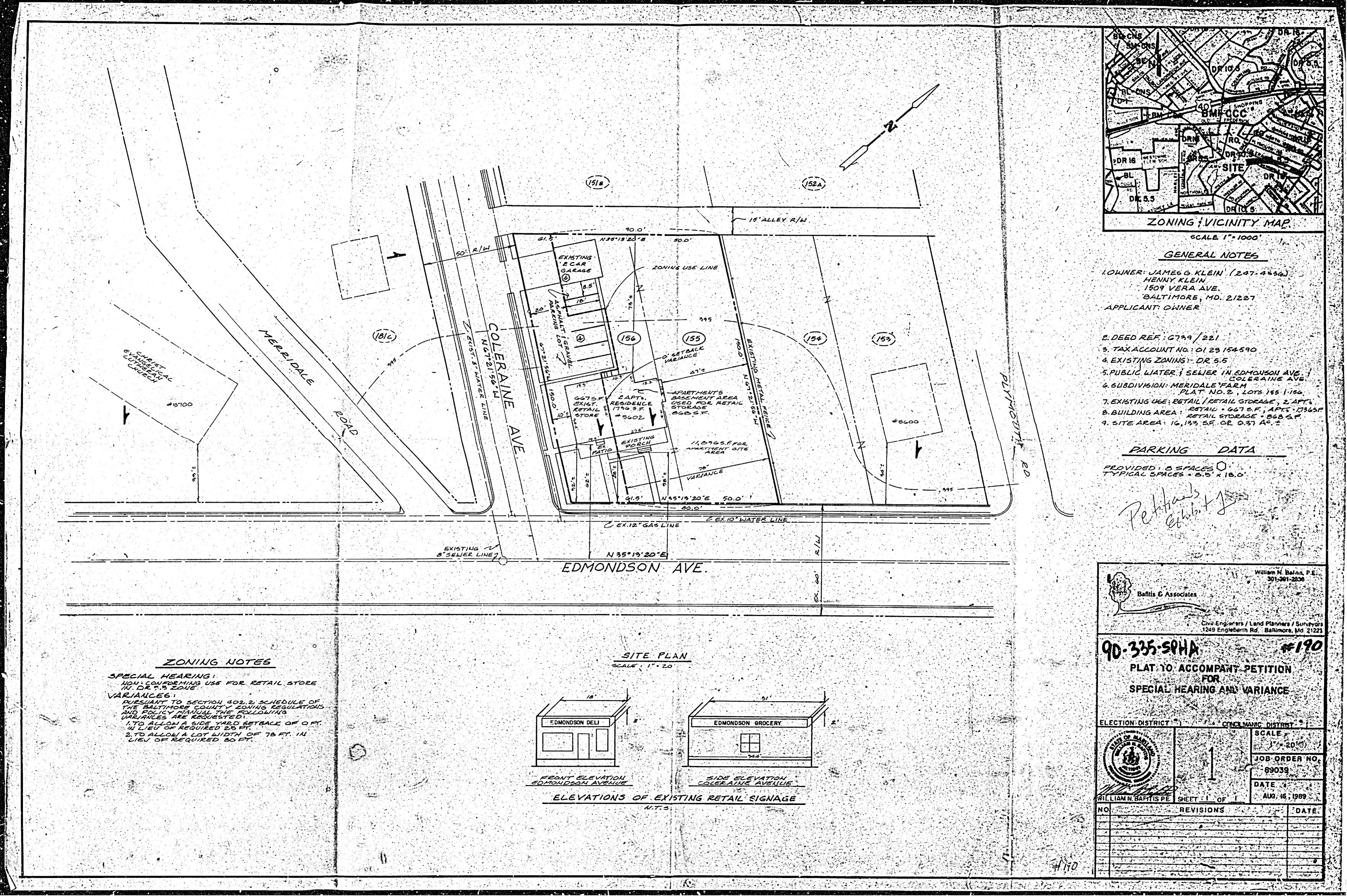
Contract Purchaser:

(Type or Print Name)

Uffre

PEC_____, 19.89_, that the subject matter of this petition be advertised, as

g Law of Baltimore County, in two newspapers of general circulation through-



Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

February 5, 1990

S. Eric DiNenna, Esquire 409 Washington Ave, Suite 600



RE: Item No. 190, Case No. 90-335-SPHA Petitioner: James G. Klein, et ux Petition for Special Hearing and Zoning Variance

Doar Mr. DiNenna:

Towson, MD 21204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

cc: Mr. & Mrs. James G. Klein 1509 Vera Avenue

Baltimore, MD 21227

TO: Zoning Advisory Committee DATE: December 19, 1989 FROM: Robert W. Bowling, P.E.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting for December 19, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 501, 185, 186, 189 and 188

For Items 184, 187 and 188 the CRG comments remain

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3355



Your petition has been received and accepted for filing this

Petitioner: James G. Klein, et u Petitioner's Attorney: S. Eric DiNenna

90-335-5PHA

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

Mr. James Klein 1509 Vera Avenue Baltimore, Maryland 21227

RE: Case No. C-89-2306 5602 Edmondson Avenue 1st Election District

Per our conversation of June 27, 1989, an extension will be granted until August 1, 1989, relative to establishing an appointment review date with Development Control for the filing of the special hearing concerning a non-conforming use for both the business and signage. Once your petition is accepted for filing, it is imperative that either Inspector Derek Propalis or myself be provided with the item number.

If further questions exist concerning this matter, please contact * this office at 887-3351.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: January 18, 1990

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: James Klein, Item 190

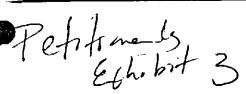
The Petitioner requests a non-conforming use for a retail store

In reference to the Petitioner's request, staff offers no in a D.R.-5.5 zone.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

AFFIDAVIT



The undersigned hereby affirms that the business located at 5602 Edmondson Avenue. Baltimore. Maryland 21229 has been used as a grocery store continously and uninterrupedly since before 1945.

Name: Sione M. Buye	Date: 7/24/89
Name: Swye NV. Buye Address: 5721 Edmondson ave.	
Signature:	•
THARLES LA FUNICK	,
Name: Clearly Williams	Date: 8/5/89
Address 620 Orman Com pole	
Signature: Clark Welling	
Name: Ma Koul Pet	Date: 8-1/-89
Address: 208 Westshine Road	
Signature: Elizabeth m. Peh	
Guinas VIII III	
Name: NRG Marie Moul gon Duf	Date:
Address: 407-Overlyon Rd	<u></u>
Signature (atomorphism) 122	8
	/ /
Name: Oula Dr. Smer	Date: 8/22/89
Address 600 North Bend Rd.	
Signature of m. Ine This Tone has here	hue Mer 63 yes!
Name: Rilled & Jones	Date: 8/23/89
Address: 600 North Bend Rd	
Signature: Gellen Elmeb	
	· Š
Name:	Date:
Address:	

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

Paul H. Reincke Chief

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

Location:

Office of Planning and Zoning Baltimore County Office Building

DECEMBER 19, 1989



RE: Property Owner: JAMES E. KLEIN

#5602 EDMONDSON AVENUE

Item No.: 190 Zoning Agenda: DECEMBER 19, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

The undersigned hereby affirms that the business located at 5602 Edmondson Avenue. Baltimore. Maryland 21229 has been used as a grocery store continously and uninterrupedly since before 1945.

AFFIDAVIT

•		en jak
Name: MR Paul Richard Address: 120 Malbrook Rd Signature: Paul R. Richard	Date: 3/7/89	
Address: 120 Malbrook Rd		
Signature: Paul R. Richard		
Mes Foemhals	Date: 8/7/89	<u>, </u>
Address: 201 Westerne Rd		
Signature: Choice Frenches		
Name: L.E Lucas	Date:	
100 10 - 20 10 14 1534		
Address: 107 Westowne Kally with dible		
Signature: Douling	Dates	-
Address: 126 Malbrook Polymer Walls	v.;	
Signature		
Name: Edwin Zahn	Dave	
Address: 233 Westowne Rol Hills Signature:		
Name: Clem Sturm Address: 106 Malbrook	Dates	<u></u>
Address: 106 MalbRook		
Signature: Glem Stuem	,	
	Data: 8/7/89	

AFFIDAVIT The undersigned hereby affirms that the business located at 5602 Edmondson Avenue. Baltimore. Maryland 21229 has been used as a grocery store continously and uninterrupedly since before 1945. Name: MRS Joseph Ruth Address: 134 Maltrook Rd Signature: Mrs. Joseph Quts

used as a grocery store continously and uninterrupedly since before 1945. Date: 7/22/89 Name: Mrs.J. Wm. Bouchers
Address: 5 Overlyork Rd. Address: 22 MALLOW HILL RD 21229

ignature: Abrilla Tantan Name: Mrs. Menge On Durgee Date: 7/23/89

Address: 5721 Camondson Ove. C2 Signature: Mary W. Durgee Name: SARAH MCAVEES Date: 78389

Address: Sames town Court 5549

Signature: Sarren m Parrens

AFFIDAVIT

at 5602 Edmondson Avenue. Baltimore. Maryland 21229 has been

The undersigned hereby affirms that the business located

The undersigned hereby affirms that the business located at 3602 Edmondson Avenue. Baltimore. Maryland 21229 has been used as a grocery store continously and uninterrupedly since before 1945. Name: Ellen R. Dowling

Address: 126 Malbrook Roak

Signature: Ellen R. Dawling Name: HELEN H. TIPTON Signature: Welen I Tipton Date: 9/26/89 Name: Endru C. Mason
Address: 5720 & Suntudson Signature: Evelyn P. Wisson Date: 7-26/89 Name: alice Davis Address: 606 Alderstar Rd Signature Clue Davis Date: 7/28/89. Name: met my J. Di Saclo Address 643 Olymouth ad Joseph Di Baslo CATHERINE C. LEWIS Address: 609 PLYMOUTH Rd. Address 4 15 Aboth Bend Re

AFFIDAVIT

PLEASE PRINT CLEARLY James 5 Klein 1509 Vera Ave Balto Md 21227 Henry Blein 1509 1/000 AVE FOLTO M/ 21227 Paul RICHARD 120 MALBROOK N 21229 GEORGE M. PEARTE 223 WESTOWNE RD., BALT., MD. 21229 GIBERT F JONES 600 NORTH BENDRO BALTO Md. 1 Goodath BendRd GRENT T. TURNER Marilyn V. Turner EVALYN 1450N 4110 KNOWLES AVE. KENSINGTON, AU. 410 knowles Are Kensington, Md 410 knowles Rd Ballo Ad 2122 410 kingston Rd. Balto Ad. 21229 WHILE YOU WERE OUT CALLED TO SEE YOU WILL CALL AGAIN RETURNED YOUR CALL

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* Our Air Raid Wardens

Residents of Westowne

recessessessessessessesses.

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* Our Air Raid Wardens

H. STREETT BALDWIN, President

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County Commissioners BALTIMORE COUNTY

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Poul R. Richard. 10/26/89

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Acknowledgement

628 North Bend Road Baltimore, Maryland 21229 March 12,1990 747-857

Deputy Zoning Commissioner 111 West Chesapeake Avenue Rm# 109 Towson, Maryland 21204

Attention: Ann Nastarowicz

Dear Deputy Zoning Commissioner; I was unable to attend the hearing on 3/7/90 Re: 5602 Edmondson Avenue Baltimore, Maryland 21229. Cas# 90-335SPHA. I could not take time off

from work. I would like to be put on record that I am opposed to any changes in the zoning of that property. I like the convenience of a small neighborhood zoning of that property. I like the convenience of a small neighborhood grocery store, but that is all the neighborhood needs. Last year they had a large canopy on the property with mulch, dirt, etc. this is not grocery store supplies. I don't know what else he has in mind for my community if the zoning is changed. Just like it started out with the dentist at 5502 Edmondson Avenue it was suppose to be an in house office now have 5502 Edmondson Avenue it was suppose to be an in house office now he's got several dentists working there and no longer resides at the property.

The chipping away process has begun. I am a new homeowner with a young family and I don't want Edmondson

Avenue to look like Liberty Road. I would also like to get a copy that pertains to this hearing, and also how I go about appealing any favorable decision.

Thank you for your consideration and time.

Zoning Commissioner
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

1509 Vera Avenue

Baltimore, Maryland 21227

Petition for Special Hearing and Zoning Variance

HEARING: WEDNESDAY, MARCH 7, 1990 at 11:00 a.m.

1st Election District - 1st Councilmanic Petitioner(s): James E. & Henny Klein

the above captioned property.

not returned.

NW/S Edmondson Avenue, 25' NE of c/l of Coleraine Avenue

ing, iii w. chesapeake Avenue, koom 113, lowso. minutes before your hearing is scheduled to begin.

please be advised that \$140.78 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

please make your check payable to Baltimore County, Maryland. Bring the Piesse make your check payable to Haltimore County, Maryland. Bring the check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office Build-check and the sign & post est(s) to the Zoning Office, County Office, chack and the sign & post est(s) to the Zoning Office, County Office Build-ing, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)

Be advised that should you fail to return the sign & post set(s), there will he an additional \$50.00 added to the above amount for each such set We advised that should you fall to return the sign ϵ post set(s), there will be an additional $\frac{\epsilon}{20.00}$ added to the above amount for each such set not returned.

(301) 887-3353

TO A TOTAL ATTENDED AND A MONTH OF THE A MAR 15 1990

ZONING OFFICE

RE: PETITION FOR SPECIAL

HEARING Greenspring Valley Rd., 930' W from C/L of Greenspring Avenue (1400 Greenspring Valley Road

3rd Election District 3rd Councilmanic District KOINONIA PARTNERSHIP,

Petitioner

BALTIMORE COUNTY

BEFORE THE

CASE NO.: 90-3355PH ITEM NO.: 209 Hearing: May 15, 1990 at 9:30 a.m.

ZONING COMMISSIONER

* * * * * * * * * PETITIONER'S NOTICE OF DE BENE ESSE DEPOSITION

The Petitioner, KOINONIA PARTNERSHIP, hereby gives notice that it will take the deposition upon oral examination of the following-named witness and that it intends to use and rely on said deposition at the hearing on this matter before the Zoning Commissioner or his Deputy on May 15, 1990, in lieu of the deponent's personal appearance at the hearing:

Miss Marion Carnes Deponent: Place of Deposition:

Presbyterian Home of Maryland 400 Georgia Court Towson, Maryland 21204

Thursday, April 19, 1990 at 10:00 a.m. Date and The deposition will be taken before a Notary Public or some other person who is authorized to administer an oath.

NOLAN, PLUMHOFF & WILLIAMS, CHTD Suite 700, Court Towers 210 West Pennsylvania Avenue Towson, Maryland 21204 (301) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of April, 1990, a copy of the aforegoing Petitioner's Notice of De Bene Esse Deposition was telecopied or hand delivered to: John P. Machen, Esquire, Piper & Marbury, 1100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201; Phyllis Cole Friedman, Esquire, People's Counsel, County Office Building, 3rd Floor, Towson, Maryland 21204; Honorable J. Robert Haines, Zoning Commissioner, County Office Building, Towson, Maryland 21204; and Greenspring Valley Association, Inc., Box 304, Stevenson, Maryland 21153.

NOLAN, PLUMHOFF

& WILLIAMS,

CHARTERED

March 12, 1990

Dennis F. Rasmussen County Executive

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

(301) 887-3353

J. Robert Haines

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NW/S Edmondson Avenue, 25' NE of the c/l of Coleraine Avenue (5602 Edmondson Avenue) 1st Election District - 1st Councilmanic District James G. Klein, et ux - Petitioners Case No. 90-335-SPHA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

an M. Notrain ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Mr. James Wolf 622 Coleraine Road, Catonsville, Md. 21228

Mr. Jeff Howell 1310 Frederick Road, Catonsville, Md. 21228

People's Counsel

HOTICE OF HEARING The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-

& WILLIAMS,

CHARTERED

and Zoning Variance
Case number: 90-335-SPHA
NW/S Edmondson Avenue,
25'NE of cf of Coleraine Ave.
1st Election District
1st Councilmanic Petitioner(s):

* James E. & Henny Klein

forming use for a retail store in a DR 5.5 zone. Variance: to allow a fot width of 78 ft. in lieu of the required 80 ft. In the event that this Petition is granted, a building permit may be leaved within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the leavence of said permit during the shance of said permit during the and received in this office by the date of the hearing set above of in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow telephone 887-3391 to confirm

2/048 Feb. 1.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Fol. 1, 19 90

THE JEFFERSONIAN,

5. 20 fe Olan

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jebusy 8

CATONSVILLE TIMES

CERTIFICATE OF POSTING HING DEPARTMENT OF BALTIMORE COUNTY

Aprical Hearing & Variance Petitioner: James C Y Henry Klein Location of property: NW15 of Edm Inson arenne, 25' NE of Coloraine arenu (5602 Edmonson avenue) Location of Signer Clas front of 5602 Edmonson Avenue

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of ____successive weeks, the first publication appearing on Jobusy 8

Zoning Commissiones

PUBLIC HEARING FEES LAST NAME OF OWNERS KLEIN

B \$33*****14078: a \$078F

Special feature in the store in a forming use for a retail store in a DR 5.5 zone. Verlance: to allow a side yard setback of 0 R. in lieu of the required 25 R. and to allow a fol width of 76 R. in lieu of the

PLAN"

the Hearing

EMERGENCY in effect in Baltimore ounty on the above hear-

hearing date.)

a tot width of 78 ft. In lieu of the required 80 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day sopped period. The Zoning Commissioner will, however, entertain any request for a stay of the lesuance of said permit during this period for good cause shown. Such request must on in writing and received in this office by the date of the hearing set above or presented at the hearing.

MOTE:

(If "PHASE If" of the "SNOW EMERGENCY PLAN" is in effect in Bellimore Courty on the show having date, the Hearing will be postporce 857-3391 to continue the shown the said of the said

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90-535-5PHA